

REMARKS

Claims 1-11 are pending in this application. By this Preliminary Amendment, claims 1 and 3 are amended to clarify a difference between a pixel area and a pixel itself, without narrowing the claims. No new matter is added. Reconsideration of the application is respectfully submitted.

In reply to the July 26, 2005 Restriction Requirement, Applicant provisionally elects Group I, claims 1-9 and 11, with traverse.

The Restriction Requirement asserts that inventions I and II are related as process of making and product made. The Restriction Requirement further asserts that the inventions are distinct if (1) the process as claimed can be used to make other and materially different product and/or (2) the product as claimed can be made another and materially different process.

Although Examiners do not need to cite documents to support the Restriction Requirement in most cases, Examiners must provide reasons and/or examples to support the assertions (MPEP §803). Therefore, Restriction is proper if the Examiner can demonstrate that the product of claims 1-9 and 11 can be made another materially different process (MPEP §806.05(f)).

The Restriction Requirement asserts that the device of an invention I can be formed using a different method, such as one which forms the bottom gate transistor instead of a top gate transistor formed by the method of invention II. However, the manufacturing method recited in independent claim 10 does not specify forming a top gate transistor as alleged by the Office Action. Further, independent claims 1 and 3 do not recite a top gate transistor. For at least these reasons, Applicant respectfully submits that the Office Action has not demonstrated that the process of claim 10 can be used to make other materially different products than those recited in at least claims 1 and 3 or that the electro-optical panels of

claims 1 and 3 can be made by another materially different process than recited in claim 10. As such, the Office Action fails to set forth a proper basis for restriction. Accordingly, reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

Also, it respectfully submitted that the subject matter of all claims 1-11 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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